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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,263	03/15/2004	William Bridge	O17011323001	4750

23639 7590 03/19/2007
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WASHINGTON, DC 20006

EXAMINER

ELAMIN, ABDELMONIEM I

ART UNIT	PAPER NUMBER
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2116

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/801,263

Applicant(s)

BRIDGE, WILLIAM

Examiner

Abdelmoniem Elamin

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-44 and 60-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-44, 60-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 28-44, 60-73 are rejected under 35 U.S.C. 102(b) as being anticipated by Gniewek, US. Pat. No. 5,287,459 (cited by Applicant).

3. Claims 28, 35, 40, 43-44, 64, 71, Gniewek discloses a system for reading a data item [abstract] comprising;

means for maintaining a plurality of copies of said data item on a plurality of data storage devices [abstract, col. 3, lines 15-20];

means for receiving a read request for said data item [col. 4, lines 12-16, col. 5, lines 4850, col. 10, lines 21-23];

means for initiating at least two read operations request to at least two of said plurality of data storage devices in response to receiving said data request [Gniewek teaches a logic function 90 for receiving a read request and for selecting a unit cartridge from which data can be retrieved in the shortest period of time, see col. 10, lines 22-31, col. 11, lines 45-49. This selection is based on many factors, among them are the read requests queued for a mounted cartridge (which implies that each cartridge unit queues requests initiated to it), see col. 10, lines 50-51, col. 1, lines 51-52. This implies that Gniewek initiated read request to each tape cartridge that could supply the desired data].

means for identifying a first one of said at least two read operations requests as projecting to produce a fastest response time [*see title, abstract, col. 4, lines 14-16*].

4. Claims 29-30, 41-42, 65-66, 72-73, Gniewek teaches means for canceling a second one of said at least two read requests [*col. 4, lines 34-40*].

5. Claims 31, Gniewek teaches means for identifying said first one of said at least two read operation requests as having a first movement from one level of request queues to another [*col. 10, lines 45-61*].

6. Claim 32, Gniewek teaches means for identifying said first one of said at least two read operation requests as having a first retrieval of a copy of said data item from one of said plurality of data storage devices [*col. 10, lines 45-61*].

7. Claim 33, Gniewek teaches means for mirroring said data item from a first one of said plurality of data storage devices to a second one of said plurality of data storage devices [*col. 9, lines 61-63*].

8. Claim 34, means for maintaining said plurality of copies of said data item on a plurality of disk drives [*col. 5, lines 26-31*].

9. Claims 36-38, 60-62, 67-69, Gniewek teaches the data item comprises a video or audio data item [*col. 7, 21-35, 62-67, col. 8, line 1-8*].

10. Claims 39, 63, 70, Gniewek teaches the act of maintaining a plurality of copies of said data item is performed at a granularity level smaller than an entire disk drive [*col. 1, lines 45-49*].

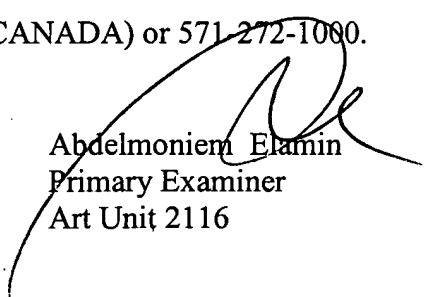
Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelmoniem Elamin whose telephone number is 571-2727-3674. The examiner can normally be reached on MON - THUR 10:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Prrveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Abdelmoniem Elamin
Primary Examiner
Art Unit 2116

March 15, 2007